



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 26, 2001

Kenneth A. Gross, Esquire
Skadden, Arps, Slate, Meagher & Flom
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

RE: MUR 5222

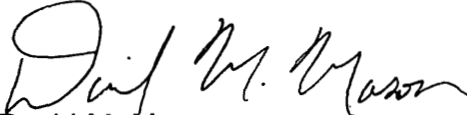
Dear Mr. Gross:

On July 26, 2001, the Federal Election Commission found that there is reason to believe that your client, Richard Egan, violated 2 U.S.C. § 441a(a)(3), a provision of the Federal Election Campaign Act of 1971, as amended. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information. In response to your request, the Commission also entered into conciliation prior to a finding of probable cause to believe and approved the conciliation agreement you executed on July 26, 2001. The file in this matter was closed on July 26, 2001.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

If you have any questions, please contact Abigail A. Shaine, Acting Associate General Counsel, at 694-1650.

Sincerely,


David M. Mason
Vice-Chairman

Enclosures
Factual and Legal Analysis
Conciliation Agreement

21-04405-2461

FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Richard Egan

MUR: 5222

This matter was initiated by a sua sponte submission by counsel for Richard Egan. The submission states that Mr. Egan was recently appointed by President Bush as the U.S. Ambassador to Ireland, and that during the confirmation process Mr. Egan became aware that he exceeded the \$25,000 annual limit for both 1998 and 2000. Mr. Egan's contributions exceeded the 1998 annual limit by \$6,600 and exceeded the 2000 annual limit by \$30,100. The submission states that the limits were exceeded "as a result of inadvertent errors in recordkeeping and accounting."

After realizing that he exceeded the limits, Mr. Egan apparently took "immediate steps" to remedy the problem. With respect to the contributions that count toward the 1998 limit, counsel states that Mr. Egan received refunds totaling \$11,000 and has requested a refund of an additional \$1,000, which he has not yet received. In addition to the refund, Mr. Egan also redesignated his \$5,000 contribution to the Pioneer PAC so that it would go to the PAC's nonfederal account. The submission concludes that "the refunds and the redesignation bring Mr. Egan's federal contributions for 1998 to \$15,600, well under the \$25,000 limit," and that for the year 2000, Mr. Egan received refunds totaling \$32,000, bringing down his total contributions for that calendar year to \$23,100. In addition, Mr. Egan has requested an additional \$9,600 in refunds which he has not yet received.

The submission also states that "FEC records show that Mr. Egan contributed \$1,000 to Rogan for Congress on September 28, 2000, and \$1,000 to Rogers for

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Congress on October 1, 2000," but that these contributions "were not made by Mr. Egan but rather by his wife, Maureen Egan, and should be attributed to her." In addition, the submission notes that Commission records also show that Mr. Egan contributed \$15,000 to the RNC on December 4, 2001, but that the contribution "was originally made to the Republican Governors Association ("RGA") which does not count toward the federal limits, and then misdeposited by the RNC into its federal account." According to the submission, when the RNC "became aware of this misdeposit, it transferred the contributions to its non-federal account on March 13, 2001." A letter from the RNC was included with the submission confirming the erroneous deposit along with a copy of the original check, dated October 2, 2000, showing that it was made payable to the RGA.

The sua sponte submission identified the following contributions as being made in connection with the 1998 annual limit:

Date	Committee	Amount	Refund Date
4/29/96	Judd Gregg Committee	\$500	
4/29/96	Judd Gregg Committee	\$500	
4/29/96	Judd Gregg Committee	\$500	
12/15/97	Citizens for Peter Torkildsen	\$1,000	
12/15/97	Amorello for Congress	\$1,000	
8/7/97	Dick Arney Campaign Committee	\$500	
12/3/97	Citizens for Kasich	\$1,000	
5/27/97	Judd Gregg Committee	\$500	received 6/30/97
5/27/97	Judd Gregg Committee	\$500	
5/27/97	Judd Gregg Committee	\$1,000	received 6/30/97
4/28/97	Voinovich for Senate	\$1,000	
4/28/97	Voinovich for Senate	\$1,000	
3/6/98	Majority Leader's Fund	\$500	
3/15/98	Michigan Republican State Committee	\$1,000	
3/16/98	Hayworth for Congress	\$1,000	received 3/14/01
4/7/98	Chris Cox Congressional Committee	\$350	
4/14/98	Citizens for Peter Torkildsen	\$1,000	received 3/15/01
4/15/98	Amorello for Congress	\$1,000	received 12/5/00

4/22/98	Marty Meehan for Congress	\$1,000	
4/22/98	Marty Meehan for Congress	\$1,000	
4/28/98	American Renewal PAC	\$500	
5/19/98	Republican House Senate Dinner	\$1,000	
5/19/98	NRSC	\$500	
5/19/98	NRCC	\$250	
6/30/98	Pioneer PAC	\$5,000	redesignated 3/14/01
7/2/98	Watkins for Congress	\$1,000	received 3/29/01
7/9/98	Wyrick for Congress	\$1,000	
7/13/98	Friends of Wamp	\$500	received 3/12/01
7/31/98	MA Republican State Congr. Committee	\$5,000	received 3/19/01
9/29/98	Citizens for Kasich	\$1,000	requested
	TOTAL	\$31,600	

The sua sponte submission identified the following contributions as being made in connection with the 2000 annual limit:

Date	Committee	Amount	Refund Date
3/24/97	Frist 2000	\$1,000	
3/24/97	Frist 2000	\$1,000	received 7/9/01
3/29/99	Kasich 2000	\$1,000	
5/10/99	Friends of Giuliani Exploratory Committee	\$1,000	
6/28/99	Abraham Senate 2000	\$500	
7/12/99	Chafee U.S. Senate	\$1,000	received 5/14/01
7/29/99	Rogan for Congress	\$500	
8/6/99	Armey Campaign Committee	\$1,000	received 7/11/01
9/27/99	McCain 2000	\$1,000	received 3/12/01
10/1/99	Friends of George Allen	\$1,000	
10/1/99	Friends of George Allen	\$1,000	
10/19/99	Friends of Giuliani Exploratory Committee	\$1,000	received 6/30/00
11/1/99	Ashcroft 2000	\$1000	requested
11/1/99	Ashcroft 2000	\$1000	requested
11/22/99	Bush-Cheney 2000 Compliance Committee	\$1,000	
2/22/00	Capuano for Congress	\$1,000	requested
2/22/00	Capuano for Congress	\$1,000	received 3/27/01
3/28/00	Chafee US Senate	\$1,000	received 5/14/01
4/20/00	Chris Cox Congressional Committee	\$1,000	received 3/10/01
5/5/00	Majority Leader's Fund	\$1,000	received 7/11/01
5/5/00	Friends of Dick Lugar	\$1,000	received 3/27/01

5/11/00	Santorum 2000	\$1,000	received 3/8/01
5/22/00	Rogan for Congress	\$600	requested
5/27/00	Peter Abair for Congress	\$1,000	received 3/26/01
6/5/00	Ensign for Senate	\$1,000	requested
6/5/00	Federer for Congress	\$1,000	requested
6/5/00	Paul McCarthy for Congress	\$1,000	requested
6/5/00	Paul McCarthy for Congress	\$1,000	
6/13/00	Abraham Senate 2000	\$500	
6/13/00	Abraham Senate 2000	\$1,000	requested
6/14/00	Howell for US Senate	\$1,000	requested
6/14/00	Howell for US Senate	\$1,000	requested
6/23/00	Armey Campaign Committee	\$1,000	received 7/11/01
6/29/00	Roth Senate Committee	\$1,000	requested
7/11/00	Lazio 2000	\$1,000	received 4/5/01
7/19/00	MA Conservative PAC	\$1,000	
8/11/00	Committee to Elect Fred Golder	\$1,000	requested
8/31/00	Bass Victory 2000 Committee	\$1,000	received 3/26/01
9/21/00	Rogers for Congress	\$1,000	received 3/28/01
9/22/00	Friends of John Hostettler	\$1,000	received 3/21/01
9/26/00	Fletcher for Congress	\$1,000	received 3/20/01
9/27/00	Greenleaf for Congress	\$1,000	received 3/8/01
9/28/00	Zimmer 2000 Inc.	\$1,000	
9/29/00	John Koster for Congress	\$1,000	received 3/23/01
9/29/00	Kuykendall Congressional Committee	\$1,000	received 3/14/01
9/30/00	Kirk for Congress	\$1,000	received 3/10/01
9/30/00	Dickey for Congress	\$1,000	received 3/13/01
9/30/00	Rehberg for Congress	\$1,000	requested
10/13/00	Ashcroft Victory	\$5,000	received 6/28/01
10/17/00	Re-elect Congressman Moakley	\$1,000	received 3/27/01
10/24/00	Friends of Clay Shaw	\$1,000	received 3/14/01
10/24/00	Friends of Clay Shaw	\$1,000	received 3/27/01
12/7/00	Amorello for Congress	\$1,000	received 3/27/01
	TOTAL	\$55,100	

According to 2 U.S.C. § 441a(a)(3), no individual shall make contributions aggregating more than \$25,000 in any calendar year. Any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

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The record in this matter shows that Mr. Egan contributed a total of \$31,600 with respect to the 1998 annual contribution limit, and \$55,100 with respect to the 2000 annual contribution limit. Although Mr. Egan obtained refunds of \$11,000 and redesignated a \$5,000 contribution with respect to the 1998 limit, such refunds and redesignation were made between two and a half years and three years after the contributions were made.¹ With respect to the 2000 limit, although Mr. Egan received refunds totaling \$32,000 and has requested an additional \$9,600 in refunds, such refunds were made between three and a half months and three years after the contributions were made. Therefore, there is reason to believe that Richard Egan violated 2 U.S.C. § 441a(a)(3) by contributing \$6,600 in excess of the \$25,000 annual limit for 1998, and by contributing \$30,100 in excess of the \$25,000 annual limit for 2000.

¹ Two refunds totaling \$1,500 were made in 1997, before the 1998 annual limit was exceeded.